

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

ADOPTION OF THE 2006 UNIFORM PLUMBING CODE

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

OVERVIEW

The Office of Statewide Health Planning and Development (OSHPD) is mandated to adopt the most recent edition of model code, as amended by the Office, pursuant to Health and Safety Code Section 18928. This proposed rulemaking represents the Office's proposal to adopt the 2006 Uniform Plumbing Code (UPC) published by International Association of Plumbing and Mechanical Officials (IAPMO) and carry forward existing California amendments of the 2001 California Plumbing Code (CPC). It was also necessary to propose a few editorial and minor technical modifications to the existing requirements for clarification and consistency within the code as identified below:

Sections 101.4.1.4 and 101.4.1.4.1 Conflicts Between Codes:

The purpose of this amendment is to clarify when different sections of the California Building Standards Code, not just one Part, specify different materials, methods of construction, or other requirements, the most restrictive section within the California Building Standards Code shall govern. In addition, where there is a conflict between a general requirement and a specific requirement within the California Building Standards code, the specific requirement shall apply.

Sections 101.11.12.1 and 101.11.12.2 Application – Vesting Authority:

The Office of Statewide Health Planning and Development promulgates and enforces regulations for hospitals and skilled nursing facilities (SNFs) in California. Historically, the California Building Code has included different requirements for hospital-based skilled nursing units than it has for freestanding SNFs on a hospital license and for separately licensed SNFs.

Section 72103, Title 22, CCR, defines "skilled nursing facility" as "a health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis." This definition makes no distinction between skilled nursing services that are provided as a distinct part unit in an acute care hospital, as a distinct part in a freestanding building on the hospital license, or a freestanding separately licensed SNF. Therefore, the regulations that apply to skilled nursing services should be the same, regardless of the type of facility in which the services are provided.

The purpose for this change is to make the regulations for skilled nursing facilities the same, whether the facility is a freestanding separately licensed SNF, a freestanding SNF building on a hospital license, or a distinct part SNF unit in a hospital building.

Note: The PEME Code Advisory Committee recommended this item for approval during the 2004 code adoption cycle.

101.11.12.3 Application – Vesting Authority:

The purpose of this modification to an existing California amendment is to clarify that OSHPD 3 licensed clinics include those clinics operating under a hospital's license.

Section 210.0 and 221.0 Definitions:

The definition of Handwashing Fixture is added to Section 210.0 of the California Plumbing Code. The purpose of adding the definition is to coordinate with the California Building Code.

The definition of Scrub Sink is added to Section 221.0 of the California Plumbing Code. The purpose of adding the definition is to coordinate with the California Building Code.

Section 311.12 Services / Systems and Utilities:

The purpose of this modification to an existing California amendment is to coordinate a new Section number in the California Building Code.

Sections 316.1.8 and 316.1.9 Pressure-Lock-Type Connection and Pressed Fitting:

For copper water tube, Section 606.2.1 of the 2006 Uniform Plumbing Code states that joints in copper tubing shall be made by fittings properly soldered or brazed complying with Sections 316.1.3 or 316.1.7 or by means of approved flared or compression fittings complying with Sections 606.1.1 or 316.1.5. No mention is made of pressure-lock-type connections or pressed fittings. This amendment is necessary to clarify that these types of fittings are not allowed for water supply and distribution. In addition, more research is necessary to determine if these types of fittings are appropriate for health facilities, due to the fact that health facilities renovated more often than other occupancies. The use of other than soldered or brazed joints could cause problems during the renovation of existing water piping.

Section 320.0 Medical Gas and Vacuum Systems:

The Office of Statewide Planning and Development adopts NFPA 99, not Chapter 13 of Uniform Plumbing Code (UPC), for medical gas and vacuum systems. The purpose of this amendment is to indicate that the installation, testing, and verification of medical gas and vacuum systems in accordance with Chapter 13 of the UPC is not permitted for OSHPD 1, 2, 3 & 4.

Sections 402.5 and 402.7 Non-metered Faucets and Kitchen Faucets:

Sections 402.5 and 402.7 of the UPC have been repealed in the 2006 edition, therefore the OSHPD amendments are being repealed.

Note: The PEME Code Advisory Committee recommended this item for approval during the 2004 code adoption cycle.

Sections 406.5 and 406.5.1 Drinking Fountains:

Sections 407.5 and 407.5.1 are being renumbered to 406.5 and 406.5.1 respectively due to changes in the numbering of the 2006 Uniform Plumbing Code.

Sections 412.0 and 412.1 Minimum Number of Required Fixtures and Fixture Count:

Sections 413.0 and 413.1 are renumbered to 412.0 and 412.1 respectively due to changes in the numbering of the 2006 Uniform Plumbing Code.

Section 412.3.1 Separate Facilities:

For clarity, Footnote 1 from Table 4-2 is relocated to this section.

Table 4-2 Minimum Plumbing Facilities:

The purpose of modifying California Plumbing Code amendment Table 4-2 is to coordinate with changes made to amendments to the California Building Code. Modifications include adding a title to the Table; moving a footnote to the appropriate code section; deleting footnotes no longer necessary; and coordinating room names, fixture types, and fixture counts.

Sections 604.1 Exception 4, 604.13, 604.13.1, and 604.13.2 Materials and PEX-AL-PEX and PE-AL-PE:

Studies have demonstrated that PEX material is susceptible to chemical leaching, both from the outside environment and chemicals leaching out of the PEX material itself. The layer of aluminum in the PEX-AL-PEX piping may or may not mitigate some of the chemical leaching from the outside environment, but there is no reason to believe that it will have any effect on the leaching from the material itself. As a result of litigation, one PEX manufacturer has disclosed that the material does have chemical leaching problems including MTBE (methyl tertiary butyl ether, a known human carcinogen) and TBA (tertiary butyl alcohol), which are by-products of the manufacturing process.

The manufacturers association's Installation Handbook for PEX indicates several limitations on the use of the product. It is unknown whether these limitations are still applicable with the use of PEX-AL-PEX. These limitations include applications where the water temperature could exceed 180° F. Current code requirements include 180° F water for

rinse water at automatic dishwashing equipment and 160° F water for laundry, maintained over the entire wash and rinse period. In order to supply this water temperature at the fixture, it will be necessary to provide hotter water at the source.

Another limitation indicated in the Handbook is to not allow extended contact with a number of “commonly encountered construction materials.” One type of material listed is “fire wall penetration sealing compounds,” which are used extensively in hospitals and skilled nursing facilities. The Handbook provides an exception for “water soluble, gypsum-based caulking,” but this would be difficult to enforce. Materials may be changed from what is approved on the drawings, and there is an enormous variety of construction materials used on hospital projects. Requiring field staff to know the chemical composition of all the materials, and adverse interactions with chemicals found in other materials is not a reasonable expectation.

PEX-AL-PEX is a new material in the 2006 Uniform Plumbing Code. OSHPD is charged with the promulgation of regulations to protect the health and safety of the occupants of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. We must be conservative in the adoption of regulations, considering the vulnerable users of these facilities. Additional research and testing must be performed to demonstrate the safety and reliability of this new material before it can be accepted for use in health facilities.

Based on public safety concerns, OSHPD will not allow usage of PEX-AL-PEX until an evaluation and analysis of this product can be performed and OSHPD can be assured that there are no public safety and environmental concerns associated with this product. The Office is proposing not to allow the use of PEX-AL-PEX piping in health care facilities.

Note: The PEME Code Advisory Committee recommended this item for approval during the 2004 code adoption cycle.

Section 609.9 Disinfection of Potable Water System:

OSHPD amendment is relocated from the 2001 California Building Code (CBC) Section 423A to this section. The reference to AWWA C651-92 is deleted from the relocated CBC section because the 2006 Uniform Plumbing Code contains procedures for the disinfection of potable water systems.

Section 612.0 Domestic Hot-water Distribution Systems for Health Facilities and Clinics:

Section 612.1:

The purpose of this modification is to renumber Table 6-7 to Table 6-9 due to new tables added to the 2006 Uniform Plumbing Code.

Section 612.5:

The purpose of this modification to an existing California amendment is to reduce confusion and misinterpretation of the code.

Section 612.6:

The purpose of this modification to an existing California amendment is to adopt the latest language from the AIA Guidelines for Design and Construction of Hospital and Healthcare Facilities, with minor changes for clarification; and to clarify the code requirement; and to coordinate the language with California Plumbing Code Section 612.3.

Table 6-9 Hot Water Use:

Table 6-7 is renumbered to Table 6-9 due to numbering of tables in the 2006 Uniform Plumbing Code. In addition, the latest hot water use requirements are being adopted from the latest AIA Guidelines for Design and Construction of Hospitals and Healthcare Facilities. This modification to a OSHPD amendment will reduced energy consumption and hot water usage in health care facilities without sacrificing patient safety.

Section 815.2.1 Indirect Wastes:

Condensate drain sizes in the 2006 Uniform Plumbing Code is consistent with the 2006 Uniform Mechanical Code. Therefore, the California amendment to Section 815.2.1 is no longer necessary and is being repealed.

Note: The PEME Code Advisory Committee recommended this item for approval during the 2004 code adoption cycle.

Section 1014.1.1 Grease Traps and Grease Interceptors:

Due to new language in the 2006 Uniform Plumbing Code, OSHPD is modifying the language used in OSHPD amendment Section 1014.1 to be consistent with the 2006 Uniform Plumbing Code.

Note: The PEME Code Advisory Committee recommended this item for approval during the 2004 code adoption cycle.

Section 1301.2 Application:

Due to renumbering of sections in Chapter 13, 2006 Uniform Plumbing Code, OSHPD amendment regarding not adopting Chapter 13 and adopting NFPA 99 is being moved to Section 1301.2. The reference to NFPA 99 is also updated to refer to the latest edition of NFPA 99. The reference to the California Building Code is updated due to renumbering of the California Building Code.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

There are no documents to identify.

CONSIDERATION OF REASONABLE ALTERNATIVES

No reasonable alternatives exist.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

No adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

No adverse impact on business.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Not applicable.